

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff

V.

AUDIBLE MAGIC CORPORATION

Defendant

Civil Action No. 6:15-CV-00584-RWS-CMC

AUDIBLE MAGIC CORPORATION,

Counterclaim Plaintiff

V.

BLUE SPIKE, LLC, BLUE SPIKE, INC.
and SCOTT A. MOSKOWITZ

Counterclaim Defendants

**ORDER GRANTING IN-PART ELECTRONIC FRONTIER
FOUNDATION'S MOTION TO UNSEAL COURT RECORDS**

On this day, the Court considered Intervenor Electronic Frontier Foundation’s Motion to Unseal docket entries.

Having considering the pleadings and good cause appearing,

IT IS HEREBY ORDERED that the Motion of the Electronic Frontier Foundation is

GRANTED IN-PART.

IT IS FURTHER ORDERED that within 14 days of this Order, the parties will file redacted versions of the following Docket Entries:

- a) Audible Magic's Motion for Summary Judgment of Noninfringement (ECF No. 13),

Blue Spike's Response (ECF No. 21), Audible Magic's Reply and Supplemental Reply (ECF No. 22, 37), Blue Spike's Sur-Reply with Additional Attachments (ECF Nos. 27), Blue Spike's Supplemental Sur-Reply with Additional Attachments (ECF Nos. 42), Blue Spike's second Supplemental Sur-Reply (ECF No. 46), and their associated exhibits;

- b) Audible Magic's Motion to Strike (ECF No. 47), Blue Spike's Response to this Motion (ECF No. 54), Audible Magic's Reply to this Response (ECF No. 55), Blue Spike's Sur-Reply (ECF No. 57), and their associated exhibits;
- c) This Court's Report and Recommendation Granting Audible Magic's Motion for Summary Judgment (ECF 56), Blue Spike's Objections to that Report (ECF No. 62), Audible Magic's Response to Blue Spike's Objections (ECF No. 64), Blue Spike's Reply to Audible Magic's Response (ECF No. 70), Audible Magic's Surreply to Blue Spike's Reply (ECF No. 71);
- d) This Court's Report and Recommendation Granting Audible Magic's Motion to Dismiss its Counterclaim for Infringement of U.S. Patent No. 6,834,308; Blue Spike's Objections to that Report (ECF No. 83); and Audible Magic's Response (ECF No. 85);
- e) This Court's Report and Recommendation Denying Blue Spike's Motion for Summary Judgment of Audible Magic's counterclaims 9-13; Blue Spike's Objections to that Report (ECF No. 82); and Audible Magic's Response (ECF No. 84).

Concurrently with these filings, each parties will submit a particularized showing regarding portions of the record (including portions of filed documents and certain exhibits) that it seeks to seal.

Any documents containing the confidential business information of either party to be filed in

the future, will be filed under seal with the clerk and maintained confidential. Within 14 days of any such filing, the parties will file a redacted version of the document filed under seal. Concurrent with *this* filing, each party wishing to maintain confidential information will submit a particularized showing regarding information in the filing that it seeks to maintain under seal.